

Mar 09, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

BIMLESH ROHINI LATA,

Defendant.

No. 2:16-CR-00187-RMP-1

ORDER FOLLOWING HEARING
ON MOTION TO MODIFY
CONDITIONS OF RELEASE

**MOTION DENIED
(ECF No. 38)**

At Defendant's March 9, 2018, motion hearing, Defendant was not present pursuant to a waiver filed at ECF No. 39. Assistant Federal Defender W. Miles Pope did appear on behalf of Defendant. Assistant U.S. Attorney Alison L. Gregoire appeared for the United States. Both sides presented argument.

The Court has reviewed Defendant's Motion to Modify Conditions of Release for Medical and Case-Related Travel, ECF No. 38, the Pretrial Services Reports, ECF No. 10, 17, and the argument of counsel.

This Court retains the authority to impose additional, different, or modified conditions of pretrial release pursuant to 18 U.S.C. § 3142(c)(3).

After considering the record and the arguments presented, the Court finds that Defendant's circumstances remain largely unchanged from what they were when this Court originally set conditions of release. ECF No. 26.

Defendant requests to travel to Canada for medical concerns pertinent to both herself and her aged mother. These concerns were raised and considered at the detention hearing held previously. ECF No. 22, 26.

1 Defendant also argues that it is necessary for her to accompany her defense
2 team into Canada, to effectively investigate her case. While Defendant's
3 participation may mitigate her investigators' anticipated language and cultural
4 challenges, the Defendant has not persuaded this Court that preventing her
5 personal presence amounts to a denial of either due process or effective assistance
6 of counsel.

7 The parties sharply contested the relative responsibilities, or historical
8 failures, of various agencies in the executive branch to coordinate and honor court
9 orders providing for defendants to "parole" back into the United States to attend
10 hearings. Regardless, if Defendant is in Canada and determines not to return to the
11 United States, this Court is powerless to compel her return.

12 Therefore, Defendant's motion to modify, **ECF No. 38**, is **DENIED**.

13 **IT IS SO ORDERED.**

14 DATED March 9, 2018.

A handwritten signature in black ink, appearing to read "M", is positioned above a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE